

United States District Court

EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

CRAIG CUNNINGHAM

v.

AMBER FLORIO, LAW OFFICES OF
AMBER FLORIO, PLLC, GLOBAL
CLIENT SOLUTIONS, LLC,
COMMONWEALTH SERVICING GROUP,
LLC, MONMOUTH MARKETING
GROUP, LLC, TOM MORAN, DMB
FINANCIAL, LLC, HAL BROWDER, and
MATTHEW GUTHRIE

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Civil Action No. 4:17-CV-839
(Judge Mazzant/Judge Nowak)

MEMORANDUM ADOPTING REPORT AND RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the Magistrate Judge pursuant to 28 U.S.C. § 636. On August 6, 2018, the report of the Magistrate Judge (Dkt. #89) was entered containing proposed findings of fact and recommendations that Defendants Commonwealth Servicing Group, LLC, DMB Financial, LLC, Amber Florio, Law Offices of Amber Florio, Hal Browder, and Matthew Guthrie's Motion to Dismiss (Dkt. #62) and Defendants Tom Moran and Monmouth Marketing Group, LLC's Motion to Dismiss and to Strike Plaintiff's Second Amended Complaint (Dkt. #80) be granted in part and denied in part.

Having received the report of the Magistrate Judge, and no objections thereto having been timely filed, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the Magistrate Judge's reports as the findings and conclusions of the Court.

It is, therefore, **ORDERED** that Defendants Commonwealth Servicing Group, LLC, DMB Financial, LLC, Amber Florio, Law Offices of Amber Florio, Hal Browder, and Matthew Guthrie's Motion to Dismiss (Dkt. #62) and Defendants Tom Moran and Monmouth Marketing Group, LLC's Motion to Dismiss and to Strike Plaintiff's Second Amended Complaint (Dkt. #80) are each **GRANTED IN PART** and **DENIED IN PART**. Defendants Tom Moran, Matthew Guthrie, and Hal Browder are each dismissed for lack of personal jurisdiction, and Plaintiff's claims under the FDCPA and § 227(c) of the TCPA are dismissed for failure to state a claim. Plaintiff's claims under § 227(b) of the TCPA against the Defendants Monmouth Marketing, Commonwealth Servicing, DMB Financial, Amber Florio, and the Law Offices of Amber Florio remain.

IT IS SO ORDERED.

SIGNED this 18th day of September, 2018.


AMOS L. MAZZANT
UNITED STATES DISTRICT JUDGE